

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CYNTHIA A. DIAMOND,

Plaintiff,

vs.

**Case No.
HON.**

BANK OF AMERICA, N.A.

Defendant,

**HUIZENGA & HERGT, P.C.
Rudy J. Huizenga (P-26718)
Attorney for Plaintiff
1415 Penobscot Building
Detroit, Michigan 48226
(313) 963-4200
Lawemp@aol.com**

COMPLAINT AND JURY DEMAND

NOW COMES the Plaintiff, CYNTHIA A. DIAMOND, by and through her attorneys HUIZENGA & HERGT, P. C., and complains against the Defendant, BANK OF AMERICA, N. A, and states as follows:

- 1. That Cynthia A. Diamond is a citizen and resident of the Township of Plymouth, County of Wayne, State of Michigan.**


2. That Defendant, Bank of America, N.A., is a national banking association organized under the laws of the State of North Carolina, with its headquarters and principal place of business in the State of North Carolina, and is doing business in the State of Michigan.
3. That this case is brought pursuant to the Court's diversity of citizenship jurisdiction, 28 USC 1332, because both parties are citizens of different states.
4. That the amount of this controversy exceeds \$75,000.00.
5. That Plaintiff's date of birth is February 24, 1954.
6. That Plaintiff began her employment with the Defendant on March 31, 2003, in the position of Personal Banker.
7. That prior to working for Defendant Plaintiff worked successfully in the banking industry for over 21 years.
8. That in the position of Personal Banker for Defendant, Plaintiff always performed her duties very well, received good performance review ratings and salary increases.
9. That in spite of her good work performance Plaintiff was terminated on March 11, 2010, allegedly for poor work performance. Plaintiff was 56 years old when terminated.

10. That Plaintiff's work performance was comparable to or better than younger employees in similar positions who were not terminated, including Neal Miller, age 28, who also held the position of Personal Banker and was not terminated but was promoted.
11. That another employee, David Lukomski, age 35, who held the title of Mortgage Loan Officer at Plaintiff's branch location, was given a verbal warning regarding safeguarding customer information, however, he was told Plaintiff had been fired for doing the same thing.
12. That younger employees at Plaintiff's branch location were treated more favorably and were not disciplined or terminated for doing things similar to Plaintiff, including not locking their computer screen, not using the Commit tool quickly resulting in delinquent customer updates, and dealing with customer information.
13. That Plaintiff was replaced by a younger employee who was less qualified and experienced.
14. That the Defendant has engaged in a pattern and practice of age discrimination by terminating a disproportionate number of older employees and retaining younger less qualified employees.
15. That by virtue of the foregoing, the Defendant has violated Michigan's Elliot-Larsen Civil Rights Act, MCLA 37.2101, et. seq. which prohibits age discrimination in employment.

16. That as a result of Defendant's actions Plaintiff has lost wages and benefits, past and future and has suffered extreme mental anguish which she will continue to suffer for the rest of her life.

WHEREFORE, Plaintiff prays for judgment against the Defendant, for reinstatement to her former position, for compensatory and exemplary damages in excess of Seventy Five Thousand Dollars (\$75,000.00), together with interest thereon, costs, attorney fees and any other relief which the Court deems just.

HUIZENGA & HERGT, P.C.
Attorneys For Plaintiff


By: 
RUDY J. HUIZENGA (P26718)
1415 Penobscot Building
Detroit, MI 48226
(313) 963-4200
Lawemp@aol.com

Dated: December 28, 2010

DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, Cynthia A. Diamond, by and through her attorneys, Huizenga & Hergt, P. C., and hereby demands a trial by jury of this cause of action.

HUIZENGA & HERGT, P.C.
Attorneys for Plaintiff

By: 
Rudy J. Huizenga (P26718)
1415 Penobscot Building
Detroit, MI 48226
(313) 963-4200
Lawemp@aol.com

Dated: December 28, 2010